

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 19, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor John Armstrong, followed by the Pledge of Allegiance led by House pages Jennifer Nelson and Emily Smith.

Roll Call: All members present except Reps. Kaiser and Werner who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

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The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1025, 1026, and 1028 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1023 which was tabled.

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The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1018 and 1020 and returns the same with the recommendation that said bills do pass.

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1019 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

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The Committee on Local Government respectfully reports that it has had under consideration HB 1002 and 1003 and returns the same with the recommendation that said bills do pass.

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MESSAGES FROM THE SENATE

2 MR. SPEAKER:

3 I have the honor to inform your honorable body that the Senate has adopted the report of
4 the Joint-Select Committee relative to the Joint Rules for the Ninety-first Legislative Session.

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Respectfully,

6

Kay Johnson, Secretary

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MOTIONS AND RESOLUTIONS

8 Rep. Gosch moved that HB 1054 be referred from the Committee on State Affairs to the
9 Committee on Agriculture and Natural Resources.

10 Which motion prevailed.

11 Rep. Gosch moved that the temporary house rules of the Ninetieth Legislative Session be
12 made the permanent house rules of the Ninety-first Legislative Session.

13 The question being on Rep. Gosch's motion that the temporary house rules of the Ninetieth
14 Legislative Session be made the permanent house rules of the Ninety-first Legislative Session.

15 And the roll being called:

16 Yeas 67, Nays 0, Excused 3, Absent 0

17 Yeas:

18 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
19 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
20 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
21 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
22 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
23 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
24 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Westra; Wiik;
25 Willadsen; Wollmann; Zikmund; Speaker Wink

26 Excused:

27 Kaiser; Killer; Werner

28 So the motion having received an affirmative vote of a majority of the members-elect, the
29 Speaker declared the motion carried.

1 HCR 1001 Introduced by: Representatives Bolin, Bartling, Bordeaux, Deutsch, Feickert,
2 Gibson, Hawley, Killer, Kirschman, McCleerey, Otten (Herman), Qualm, Rasmussen, Ring,
3 Schoenfish, Schrempp, Werner, and Willadsen and Senators Parsley, Hunhoff (Bernie), and
4 Peterson (Jim)

5 A CONCURRENT RESOLUTION, Recognizing the outstanding public service of President
6 Harry Truman.

7 WHEREAS, Harry Truman was born in 1884 at Lamar, Missouri, and spent most of his life
8 in Independence, Missouri; and

9 WHEREAS, Harry Truman served honorably in the United States Army in Europe during
10 the First World War; and

11 WHEREAS, Harry Truman married Bess Wallace in 1919, to whom he was married for
12 fifty-three years until his death in 1972; and

13 WHEREAS, Harry Truman was elected as a local county official in 1922 in Jackson County,
14 Missouri, and faithfully promoted improved transportation projects during his tenure; and

15 WHEREAS, Harry Truman was elected to the United States Senate in 1934, re-elected in
16 1940, and elected Vice President of the United States in 1944; and

17 WHEREAS, after serving as Vice President for only eighty-two days, Harry Truman became
18 the President of the United States following the tragic death of President Franklin Roosevelt;
19 and

20 WHEREAS, during his presidency many crucial decisions were made including the decision
21 to use the atomic bomb to end the Second World War, the adoption of the Marshall Plan to
22 rebuild Europe, and the policy of containment to deal with the threat of Communism in the
23 world; and

24 WHEREAS, Harry Truman was elected President in his own right in 1948 in an upset
25 victory, and led the nation until his term ended on January 20, 1953, at which time he returned
26 to Missouri, seeking neither fame nor excessive financial gain as an ex-president:

27 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
28 First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature
29 of the State of South Dakota does hereby honor Harry S. Truman, the thirty-third President of
30 the United States, for his steadfast leadership of the United States of America, and that a copy
31 of this resolution be sent to the Truman Library in Independence, Missouri.

32 Was read the first time and the Speaker waived the committee referral.

1 **CONSIDERATION OF REPORTS OF JOINT-SELECT COMMITTEES**

2 Rep. Gosch moved that the report of the Joint-Select Committee relative to the Joint Rules
3 for the Ninety-first Legislative Session as found on page 46 of the House Journal be adopted.

4 The question being on Rep. Gosch's motion that the report of the Joint-Select Committee
5 relative to the Joint Rules for the Ninety-first Legislative Session as found on page 46 of the
6 House Journal be adopted.

7 And the roll being called:

8 Yeas 63, Nays 4, Excused 3, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
11 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
12 Harrison; Haugaard; Hawks; Hawley; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
13 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
14 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;
15 Romkema; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer;
16 Stevens; Tulson; Verchio; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

17 Nays:

18 Heinemann (Leslie); Rounds; Russell; Schoenbeck

19 Excused:

20 Kaiser; Killer; Werner

21 So the motion having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the motion carried.

23 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

24 HB 1056 Introduced by: Representatives Deutsch, Anderson, Bartling, Beal, Bordeaux,
25 Brunner, Campbell, Conzet, Craig, Cronin, DiSanto, Dryden, Duvall, Feickert, Gibson, Gosch,
26 Greenfield (Lana), Haggar (Don), Harrison, Haugaard, Hawks, Hawley, Heinemann (Leslie),
27 Holmes, Hunhoff (Jean), Hunt, Jensen (Alex), Johns, Killer, Kirschman, Klumb, Langer,
28 Latterell, Marty, May, McCleerey, Mickelson, Munsterman, Novstrup (Al), Otten (Herman),
29 Partridge, Peterson (Kent), Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell,
30 Schaefer, Schoenbeck, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Stevens, Tulson,
31 Verchio, Werner, Westra, Wiik, Willadsen, Wink, Wollmann, and Zikmund and Senators
32 Greenfield (Brock), Bradford, Brown, Buhl O'Donnell, Cammack, Curd, Ewing, Fiegen,
33 Frerichs, Haggar (Jenna), Haverly, Heineman (Phyllis), Heinert, Holien, Hunhoff (Bernie),
34 Jensen (Phil), Monroe, Novstrup (David), Olson, Omdahl, Otten (Ernie), Parsley, Peters,

1 Peterson (Jim), Rampelberg, Rusch, Shorma, Soholt, Solano, Sutton, Tieszen, Van Gerpen,
2 Vehle, and White

3 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the veterans'
4 preference in employment.

5 Was read the first time and referred to the Committee on State Affairs.

6 HB 1057 Introduced by: Representatives Johns, Bartling, Gibson, Gosch, Hawley, Langer,
7 Romkema, Rounds, Solum, and Westra and Senators Ewing, Bradford, Brown, Holien, Sutton,
8 Tieszen, and White

9 FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the South
10 Dakota Commission on Gaming.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 HB 1058 Introduced by: Representatives Johns, Gosch, Schoenbeck, and Stevens and
13 Senator Rusch

14 FOR AN ACT ENTITLED, An Act to revise the procedure for recovery of abandoned
15 mineral interests.

16 Was read the first time and referred to the Committee on Judiciary.

17 HB 1059 Introduced by: Representatives Johns, Gosch, Schoenbeck, and Stevens and
18 Senator Rusch

19 FOR AN ACT ENTITLED, An Act to revise provisions related to the garnishment of debts
20 and property.

21 Was read the first time and referred to the Committee on Judiciary.

22 HB 1060 Introduced by: Representatives Schoenbeck, Anderson, Bolin, Brunner,
23 Campbell, Deutsch, DiSanto, Greenfield (Lana), Klumb, Latterell, Sly, Stalzer, Verchio, Wiik,
24 and Zikmund and Senators Greenfield (Brock), Curd, Holien, Monroe, and Olson

25 FOR AN ACT ENTITLED, An Act to repeal the South Dakota Board of Geographic
26 Names.

27 Was read the first time and referred to the Committee on State Affairs.

1 HB 1061 Introduced by: Representatives Deutsch, Gibson, Greenfield (Lana), Holmes,
2 Johns, Langer, Munsterman, Sly, Steinhauer, and Wollmann and Senators Peters, Curd, Haverly,
3 and Tidemann

4 FOR AN ACT ENTITLED, An Act to provide a tuition benefit to certain teachers who
5 enroll in courses under the management and control of the Board of Regents that are not
6 subsidized by the general fund.

7 Was read the first time and referred to the Committee on Education.

8 HB 1062 Introduced by: Representatives Stevens, Gosch, Johns, and Schoenbeck and
9 Senators Rusch and Tieszen

10 FOR AN ACT ENTITLED, An Act to permit an order changing the name of a minor child
11 without prior publication in certain instances.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1063 Introduced by: Representatives Stevens, Gosch, Johns, and Schoenbeck and
14 Senators Rusch and Tieszen

15 FOR AN ACT ENTITLED, An Act to revise provisions regarding required notice of
16 relocation of a minor child when a protection order is in place.

17 Was read the first time and referred to the Committee on Judiciary.

18 HB 1064 Introduced by: Representatives Verchio, Campbell, Duvall, Feickert, Johns,
19 Kirschman, Marty, McCleerey, Mickelson, Qualm, Schrempp, Werner, Wiik, and Zikmund and
20 Senators Monroe and Novstrup (David)

21 FOR AN ACT ENTITLED, An Act to apply certain penalties regarding damages,
22 tampering, and malicious acts to certain railroads that carry passengers.

23 Was read the first time and referred to the Committee on Judiciary.

24 HB 1065 Introduced by: Representatives Verchio, Brunner, Campbell, Duvall, Feickert,
25 Johns, Kirschman, Klumb, Marty, McCleerey, Qualm, Schrempp, Werner, Wiik, and Zikmund
26 and Senators Olson, Monroe, and Novstrup (David)

27 FOR AN ACT ENTITLED, An Act to designate the Civilian Conservation Corps Museum
28 of South Dakota in Hill City as the official Civilian Conservation Corps Museum of South
29 Dakota.

30 Was read the first time and referred to the Committee on State Affairs.

1 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1021: FOR AN ACT ENTITLED, An Act to allow child advocacy centers and tribal
3 agencies that provide child placement services to obtain results from a check of the central
4 registry for abuse and neglect.

5 Was read the second time.

6 1021ra

7 Rep. Haugaard moved that HB 1021 be amended as follows:

8 On page 1, line 9, of the printed bill, after "any" insert "nationally accredited".

9 On page 1, line 10, delete "accredited by the National Children's Alliance" and insert
10 "recognized by the Department of Social Services".

11 Which motion prevailed.

12 The question being "Shall HB 1021 pass as amended?"

13 And the roll being called:

14 Yeas 68, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
17 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
18 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
19 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
20 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
21 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
22 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Westra; Wiik;
23 Willadsen; Wollmann; Zikmund; Speaker Wink

24 Excused:

25 Kaiser; Werner

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

1 HB 1022: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
2 use of another planned permanent living arrangement as a permanency plan for certain children.

3 Was read the second time.

4 The question being "Shall HB 1022 pass?"

5 And the roll being called:

6 Yeas 68, Nays 0, Excused 2, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
9 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);
10 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
11 Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
12 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm;
13 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;
14 Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Westra; Wiik;
15 Willadsen; Wollmann; Zikmund; Speaker Wink

16 Excused:

17 Kaiser; Werner

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 There being no objection, the House reverted to Order of Business No. 8.

21 **MOTIONS AND RESOLUTIONS**

22 Rep. Gosch moved that

23 HB 1007 be referred from the Committee on Appropriations to the Joint Committee on
24 Appropriations.

25 HB 1012 be referred from the Committee on Appropriations to the Joint Committee on
26 Appropriations.

27 HB 1015 be referred from the Committee on Appropriations to the Joint Committee on
28 Appropriations.

29 HB 1016 be referred from the Committee on Appropriations to the Committee on Joint
30 Appropriations.

HB 1017 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1024 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1029 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1042 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1043 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1044 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1045 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1046 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

HB 1047 be referred from the Committee on Appropriations to the Joint Committee on Appropriations.

Which motion prevailed.

COMMEMORATIONS

HC 1005 Introduced by: Representatives Verchio, Campbell, Deutsch, Haugaard, Holmes, Kirschman, Rasmussen, Schaefer, Stalzer, Wiik, and Zikmund and Senators Rusch, Ewing, Jensen (Phil), Monroe, and Novstrup (David)

A LEGISLATIVE COMMEMORATION, Honoring the fifth anniversary of Operation Black Hills Cabin, and recognizing the board of directors, volunteers, and community leaders as outstanding caretakers of those who served.

WHEREAS, Operation Black Hills Cabin will celebrate its fifth anniversary on March 25, 2016, its mission has been to provide Operation Iraqi Freedom, Operation Enduring Freedom, and Operation New Dawn combat-injured veterans and their families with a comfortable, peaceful, and supportive respite to reconnect veterans with themselves and their families; and

WHEREAS, Operation Black Hills Cabin is operated completely by volunteers who understand that those who have served this nation continue to struggle with the invisible wounds

1 of combat and are working to assist our troops in putting the pieces of their lives back together,
2 and who give their time, talent, and assistance freely, dedicating over four thousand hours per
3 year; and

4 WHEREAS, leaders of this operation have developed an outstanding partnership with area
5 businesses who have donated meals, stocked the cupboards, and provided entry coupons at
6 tourist attractions for the families, making the week virtually free; and

7 WHEREAS, fifty-eight families from twenty-seven states have utilized the Cabin and have
8 garnered the benefits from this retreat:

9 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
10 State of South Dakota, that the Legislature recognizes the Operation Black Hills Cabin board
11 of directors, volunteers, and community leaders for being outstanding caretakers of those who
12 have served.

13 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at
14 2:43 p.m. the House adjourned.

15

Arlene Kvislen, Chief Clerk

